

**Notice of Allowability**

Application No.

09/737,527

Examiner

Blaine Basom

Applicant(s)

AUSTIN ET AL.

Art Unit

2173

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' amendments, received 4/06/2007.
2. ☒ The allowed claim(s) is/are 89-93,95-97,100-105,125,128 and 129.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Applicants' Attorney, Jeffrey C. Hood, on April 12, 2007. The application has been amended as follows:

1. Please enter the amendments received on 4/6/2007.
2. Please cancel claims 106-115, 117-122, and 126-127.

### **REASONS FOR ALLOWANCE**

Claims 89-93, 95-97, 100-105, 125, and 128-129 are allowed. The following is an examiner's statement of reasons for allowance:

Regarding independent claims 89, 105, and 128, creating and executing graphical programs that receive and display data from data sources is well known in the art. For example, the prior art (e.g. U.S. Patent No. 6,370,569) teaches creating such a graphical program, including: displaying a first GUI element in the graphical program on a display device of a first computer system, wherein the graphical program comprises a plurality of interconnected nodes which visually indicate functionality of the graphical program; receiving user input specifying a data source with which to associate the first GUI element; in response to receiving the user input, automatically configuring the first GUI element to receive data from the specified data source;

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receiving data from the specified data source, wherein the data includes information specifying a first data type of the data; and displaying the received data from the specified data source on the first GUI element. Moreover, selecting GUI elements to display data, based on the data type of the data, is well known in the art. For example, web browsers often select and display particular plug-in GUI elements (e.g. a video window and playback controls) in response to receiving data having particular data types. The prior art, however, provides no suggestion or teaching for combining such concepts, such that a first GUI element in a graphical program is replaced with a second GUI element if the first GUI element cannot display received data having a particular data type. That is, the prior art does not teach or suggest automatically determining that a first GUI element in a graphical program cannot display received data having a particular data type – the first GUI element having previously been configured to receive the data from a specified data source – and prior to or during execution of the graphical program, selecting and displaying a second GUI element in place of the first GUI element, wherein the second GUI element can display data of the particular data type, as is expressed in claims 89, 105, and 128.

Claims 90-93, 95-97, 100-104, and 125 depend on claim 89, and include all of the limitations of claim 89. Accordingly, claims 90-93, 95-97, 100-104, and 125 are allowed for the reasons in which claim 89 is allowed. Similarly, claim 129 depends on claim 128, and includes all of the limitations of claim 128. Thus, claim 129 is allowed for the reasons in which claim 128 is allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

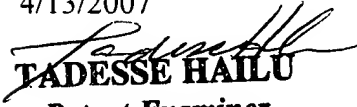
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blaine Basom whose telephone number is (571) 272-4044. The examiner can normally be reached on Monday through Friday, from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

btb

4/13/2007

  
**TADESSE HAILU**  
*Patent Examiner*